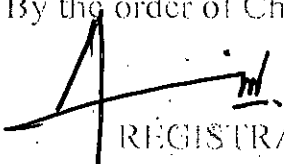


FORM OF ORDER SHEET

Court of _____

Appeal No. 2336/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/11/2023	<p>The appeal of Mr. Zia-ur-Rehman presented today by Mr. Rahim Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

IN THE KHYBER PUKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2336 /2023.

ZIA UR RAHAMN S/O Habib Ur Rahman R/O Village Kankowai Tehsil Mandnar District Buner
/P.E.T, G.M.S Wuch Khwar Kawga District Buner.

"Appellant"

VERSUS

1. D.E.O (Male) E&S Education Deptt; District Buner.
2. Director E&S Education KP Peshawar.
3. Secretary E&S Education KP Peshawar.
4. District Accounts Officer Buner.
5. Head Master Govt; Middle School Wuch Khwar Kawga Buner.
6. Muhammad Haroon PET GHS Langaw Buner Now GMS Wuch Khwar Kawga Buner.

"Respondents"

INDEX

S.No	DESCRIPTION OF CONTENTS	Annexure	Page No.
1	Memo of Services Appeal		01 - 10
2	AFFIDAVIT		0-11
3	Addresses of parties		0-12
4	C.M for interim Relief		13-14
5	Affidavit		0-15
6	Transfer Order dated 05/07/2021	"A"	16-18
7	Commendation Certificate of the appellant	"A-1"	00-19
8	Order impugned dated 09/01/2023	"B"	0-20
9	Order impugned dated 07/03/2023	"B-1"	0-21
10	Order impugned dated 17/02/2023	"B-2"	0-22
11	Acceptance of previous departmental appeal against the transfer order impugned in previous service appeal No.1448/2023	"C"	0-23
12	Complaint under 22 -A Cr PC	"D"	24-26
13	Removal from service order impugned end; No.3659-64 dated 01/08/2023	"E"	0-27
14	Service Appeal pending No.1448/023	"F"	28-33
15	Copy of departmental Appeal dated 03/08/2023	"G"	34-38
16	Copy of notification No.969 dated 15/8/023	"G-1"	0-39
17	Wakalat nama		0-40

Through Counsel


APPELLANT

Rahim Khan
Adv
High Courts

Officeat distt; Courts DaggarBuner
Cell = 03439049185
Dated; 11/11/2023.

(1)

IN THE KHYBER PUKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2336 /2023.

ZIA UR RAHAMN S/O Habib Ur Rahman R/O Village Kankowai Tehsil Mandnar
District Buner /P.E.T, G.M.S Wuch Khwar Kawga District Buner.

“Appellant”

VERSUS

1. D.E.O (Male) E&S Education Deptt; District Buner.
2. Director E&S Education KP Peshawar.
3. Secretary E&S Education KP Peshawar.
4. District Accounts Officer Buner.
5. Head Master Govt; Middle School Wuch Khwar Kawga Buner.
6. Muhammad Haroon PET GHS Langaw Buner Now GMS Wuch Khwar Kawga Buner.

“Respondents”

SERVICE APPEAL, UNDER SECTION NO. 4, OF THE K.P SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER End; NO.3659-64 DATED, 01/08/2023, IMPUGNED, BY VIRTUE OF WHICH THE SERVICE OF THE APPELLANT HAS BEEN WRONGLY AND ON MALA FIDE INTENTION AND ILL WILL, REMOVED ILLEGALLY, WHITH OUT ANY SHOW CAUSE NOTICE OR PERSONAL HEARING OR CONDUCTING ANY IMPARTIAL ENQUIRY & WITH OUT ANY FAULT OF THE APPELLANT. WHICH ACTUALLY BASING ON OTHER ORDER, End; 107-11 DATED 09/01/2023 & SUBSEQUENT SO CALLED CORRIGENDUM End; 1130-34 DATED 07/03/2023 and SUBSEQUENT TRANSFER ORDER OF PRIVATE RESPONDENT NO.6, End No.2620-25 dated 27/7/2023, IMPUGNED, WHEREBY THE APPELLANT HAD ILLEGALY , PREMATURE, WHITHOUT COUNTER PART , AGAINST THE SPOUSE POLICY AND EVEN DURING BAN, ON DISCIPLINARY GROUNDS WITH OUT ANY SHOW CAUSE NOTICE OR ENQUIRY, TRANSFERRED AND FOR ALLEGED NON COMLIANCE OF THE SAME ORDER WHICH WAS NOT ACTUALLY IN FIELD, EVEN AFTER ACCEPTING OF THE

DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE SAME ORDER, AS THE D.E.O (M) BUNER, WAS ASKED BY THE APPELLATE AUTHORITY, TO WITHDRAW THE SAME ORDER. SO THE ORDERS IMPUGNED INCLUDING THE OTHER DATED 09/1/023 & End; NO. 1130-34 DATED 07/03/2023 AND ALSO THE LETTER NO 824 DATED 17/02/023 (effective from 1st February 023) WHILE AN ORDER DATED, 27/07/2023 IMPUGNED, OF BEING BLUE EYED OF RESPONDENT No.1, BY WRONGLY ACCOMMODATING HIM AFTER 7 MONTHS, ALL IMPUGNED ARE NOT SUSTAINABLE IN THE EYES OF LAW BUT IS LIABLE TO BE SET ASIDE IN FAVOUR OF THE APPELLANT FROM THE DATES OF ISSUES OF THE SAME AGAINST THE RESPONDENTS.

PRAY IN APPEAL

By Allowing The Instant SERVICE APPEAL Of the Appellant , the Impugned order, End; NO.3659-64 DATED, O1/O8/2023, whereby the Services of the Appellant, Wrongly and on Mala Fide intention and ill will has REMOVED ILLEGALLY & also End; 107-11 dated, 09/01/2023 and so called Corrigendum end; No.1130-34 dated 07/03/2023 and letter No.824 dated 17/02/2023, and SUBSEQUENT TRANSFER ORDER OF PRIVATE RESPONDENT NO.6, End No.2620-25 dated 27/7/2023, IMPUGNED, all, passed by the respondent No.1 may be set aside in favour of the appellant against the respondents from the dates of issue of the same by reinstating the service of the appellant as PET , GMS wachkhwar kawga Buner, with all back benefits, had he not removed from service.

Respectfully Sheweth

FACTS.

1. That the appellant had appointed as PST on 22/09/2023 and served on, while on appointment as PET on 21/03/2015, he has been performing his duty, in the E & S Education Department since then.

2. That the appellant while was not lastly SO transferred vide order dated 05/07/2021, from Govt; High School Katkala Pirbab Buner, had served there in the said School, for the last Seven years, (for a considerable long period/ duration w.e.f 21/03/2015 to 08/07/2021) and had, GOT COMMENDATION CERTIFICATE, for best performance, awarded by the head of the said institution and the then immediate boss of the appellant, with whom the appellant had performed for 7 years, just before the arrival in, Govt; MIDDLE SCHOOL WACH KWAR KAWGA , MADE vide order End; No. 2938-45 dated 05/07/2021. Copies, of both, the transfer order dt, 05/07/2021 and Commendation Certificate are annexed as annexure "A & A-1" For ready reference and perusal.

3. That purposely the post of PET in Govt; Middle School wach khwar kawga Buner, was kept vacant , for accommodating the private respondent No.6, being blue eyed of respondent No.1, who by family was affiliated with PTI and the respondent No.1 was under his influence , but after the transfer of the appellant against the same vacant post, the respondent No.5, being head of that institution was reluctant enough least disclose this secrecy of doing illegal business and earning in a shape of receiving dual examination fee and illegal fines from teachers and students , and also by selling of old books etc, getting from students of the concerned school back free of cost etc, already complained by either parents or even students himself on citizen portal, therefore the respondent No.5 started baseless complaints and made shareholder the respondent No.1, in the said illegal earning money who illegally supported him. So by collusion of both respondents No.1 & 5, and by basing that secret baseless complaints against the appellant, he was transferred premature vide order end; No. end; No.107-11 dated, 09/01/2023 from GMS wachkhwar kwaga to GHS Janak Banda Tehsil Khadokhail and then transferred vide another order

End; No. 1130-34 dated 07/03/2023, to GHS Malka top of the Hilly remote harden area Tehsil Amazai , purely on mala fide intention and ill well, which was assailed by preferring departmental appeals but by stressing the same unduly, the respondent No.1, had wrongly stopped/attached monthly salary of the appellant, vide letter No.824 dated 17/2/2023, effective from 1st February 2023 impugned .copies of all order impugned are annexed as "B" , "B-1" & "B-2".

4. That not only the aforesaid transfer orders were premature ,but also against the transfer & even spouse policies, because the wife of the appellant was posted as AT in GMS khanano dherai Tehsil Mandanr, and also the same transfer was on administrative & disciplinary grounds, by leveling a lot of baseless charges on the appellant without any show cause notice or providing any opportunity of personal hearing to the appellant, but even the same transfer was then without any counterpart . Hence was illegal against the policies and law concerned and was proved on mala fide intention and ill well being was also against the public interest. Therefore the appellate authority respondent No.2/Director E & S KP , was accepted the departmental appeal of the appellant against the same, on 27/4/2023 and the appellant was continue performing his duty in the same school GMS wachkhar kawga as such because the same orders of transfer, impugned were no more in field. Copy of the acceptance is annexed as "C".

5. That the respondent No.1 was so interested and was so personal in the matter of the appellant that he had given illegal and criminal directions beyond his mandate to respondent No.5, who complied the same and used physical force & beaten the appellant while had refraining the appellant from teaching to students of class 8th on 13/4/2023 against which the appellant

has filed complaint under section 22-A CrPC. Copy annexed as "D"

6. That just to remove the legal objection of counterpart in the impugned transfer of the appellant the respondent No.1 made transfer of his blue eyed person private respondent No.6 to the school GMS wachkhar kawga concerned, vide order impugned , No. 2620-25 dated 27/7/2023 and also to get unwarranted illegal target and end, the respondent No.1 has wrongly passed the order end; 3659-64 dated 01/08/2023, impugned , whereby, the respondent No.1, removed the services of the appellant, against the law and canon of justice by applying wrongly his discretion power and mandate irrespective any public interest purely on mala fide intention , ill will and to satisfy his ego. Despite a service appeal No.1448/2023, against the aforementioned mala fide premature and illegal transfer order and illegal stoppage of monthly salary of the appellant and all mala fide and illegal actions and inactions of the respondents even No.1 & 2, in utter disregard of rules and policies and even disobedience of the orders of the appellate authority, filed on 08/05/2023 is pending before adjudication in this Hon; Tribunal wherein next date is fix as 07/12/2023 . Copy of the order impugned and also of the service appeal are annexed as "E" & "F".

7. That the appellant has assailed the order impugned, end; No.3659-64 dated 01/08/2023, and has filed departmental appeal against to the respondent No.2 on dated 03/08/2023, copy annexed as "G", but despite the respondent No.2 has asked the comments of the respondent No.1, vide his office order No.969 dated 15/8/2023, but so far due to mala fide of the respondent No.1, the same appeal has

not been decided so far after lapse of 90 days being statutory period due to the same reason(copy whereof annexed as "G-1") hence the appellant having no alternative adequate efficacious remedy except to file the instant service appeal on the following grounds amongst other inter alia.

Grounds

- A. That the impugned removal from service order end; No. 3659-64 dated , 01/08/2023 of the appellant , is during pendency of the service appeal No. 1448/2023 , of the appellant wherein next date is fix as 07/12/2023, and the said appeal is regarding the transfer made illegal , premature, during ban , against the spouse policy and without counterpart and illegal stoppage of monthly salary of the appellant vide order impugned dated 17/2/2023, which is not binding on the appellant, because departmental appeal against the said order of the appellant , was accepted the appellate authority /respondent No.5 .
- B. That the entire orders impugned was passed by the respondent No.1 with collusion of respondent No.5 , all on mala fide intention and ill well hence was not tenable and void under the law but was liable to be set aside so similarly the subsequent removal from service order dated, 01/08/2023, impugned, passed by the respondent No.1, was totally based on non compliance of the same transfer order dated 09/01/023 and dated 07/03/2023, both impugned which were not binding on the appellant . Hence all are liable to be set aside in favour of the appellant against the respondents.
- C. That the entire order impugned above on the instant appeal are in the interest of the respondent No.1 and No. 5 and no

public interest was involved therein hence are liable to be set aside in favour of the appellant , against the respondents on this score too.

- D. That the impugned order all passed by the respondent No.1 were also badly affected the public and also the students interest even of classes 6th to 8th which was without counterpart and they were left without any PET while the appellant was also refrained from duty by using of illegal physical force.
- E. That the entire orders impugned were sequence and series of first transfer order which was in clear disregard of the rule policies and also was in violation of the ban imposed by the Hon; secretary E & S education KP which was an act of clear disobedience of the orders of his superiors. Hence was not tenable too on this score.
- F. That also the appellate authority /respondent No.2 had accepted the department al appeal of the appellant against the transfer order impugned dated 09/01/2023 & 07/03/2023, on dated 27/04/2023, hence the letter impugned no.824 dated 17/02/023 impugned , regarding stoppage of the monthly salary of the appellant was also clear disobedience of the order of the appellate authority/respondent No.2 while the latest order impugned, in a shape of Removal from service dated 01/08/2023, was also clear disobedience of the orders of the appellate authority/respondent no.2 being superior of the respondent No.1, hence also are not tenable under the law but are liable to be set aside in favour of the appellant against the respondents on this score too.

- G. That after acceptance of the departmental appeal of the appellant by the respondent no.2/being appellate authority on 27/4/2023, stressing of the transfer order impugned even subsequent modified order impugned of dated 07/03/2023 ie from GMS wachkhar kawga to GHS Malka was unwarranted and was also beyond the authority of the respondent No.1 and he/respondent No.1 was not authorize, to command the appellant to for such undue and unwarranted compliance. Which followed by another order impugned dated 01/08/2023 whereby service of the appellant has wrongly removed.
- H. That the order impugned dated 01/08/023 of respondent no.1 was for the pressure to compel the appellant and was punishment of an undue compliance he demanded illegally from the appellant to which the appellant was not legally bound to obey while actually the same was no more in field after passing the order of the respondent No.2 being appellate authority on 27/4/2023. Hence is not tenable under the law.
- I. That the entire orders impugned of dated 09/01/2023 and modified order dated 07/03/2023, which was a pre mature transfer , without counterpart , during ban without approval of the competent authority, and was against the spouse policy and also was on administrative ground being punishment was without any enquiry , show cause notice and also was a condemnation unheard and was also without giving any opportunity of personal hearing was not legal order and was not binding on the appellant. while stressing that for complying even after the order dated 27/4/023 passed by the appellate authority/respondent No.2 by accepting appeal against the same was also illegal and was unauthorized act

and demand in part of respondent No.1. Hence the appellant has been ;

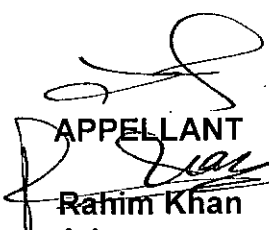
1. Punished by passing transfer orders dated, 09/01/023 & 17/03/023,(impugned) being termed to be on disciplinary grounds for non committing of any blunder, offence or fault actually while .
2. Punished for 2nd time, by passing letter No. 824 dated 17/2/2023 , impugned , regarding attachment of salary of the appellant, awarded an unauthorized and illegal punishment . while also
3. Punished for 3rd time similarly by disallowing the salary for the period, from 01/2/023 to 01/08/023 of the appellant while passing the order impugned for removing wrongly the service of the appellant vide order dated 01/08/2023, impugned.
4. Punished the appellant for 4th time wrongly by removing the appellant from his service vide order No.3659-64 impugned on dated, 01/08/2023 .

which in no law is permissible and reasonable or ever remained any requirement or demand of justice any time even in social society. But is a hatful action proving fully the mala fide of the respondent No.1 and criminal silence of other even respondents No.2, 3 & 4. Hence all the orders impugned dated 09/1/023, 07/3/023, 17/02/2023, and lastly dated 01/08/2023 are illegal, without any authority, unwarranted and basing personal grudge, personal interest, and for the satisfaction of ego without any public interest are liable to be set aside infavour of the appellant while the transfer order impugned of the private respondent No.6 dated 27/7/2023 being blue eyed of the respondent No.1 is also illegal and liable to set aside from the date of its issue.

J. That further grounds will be advanced at the time arguments .

Therefore it is humbly prayed that on acceptance of the instant service appeal the entire orders impugned of dated 09/1/023,07/3/023, 17/02/2023, 27/7/2023 and 01/08/023 all may be set aside in favour of the appellant from the issue date of each , and the appellant be reinstated in service with all back benefits from 09/01/023 as PET Govt; Middle School wachkhwar kawga Buner. Further relief to which the appellant is otherwise entitle under the law though not specifically prayed for in the instant Service appeal.

Through Course


APPELLANT
Rahim Khan
Adv
High Courts
Officeat distt; Courts DaggarBuner
Cell = 03439049185
Dated; 11/11/2023.

Certificate

It is to certify that the entire contents of the instant service appeal are true and correct and that no such like appeal is pending before this Hon;Tribunal or in any other court or has been decided earlier.


APPELLANT.

P-11

IN THE KHYBER PUKHTOONKHWASERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2023.

ZIA UR RAHAMN S/O Habib Ur Rahman R/O Village Kankowai Tehsil Mandnar
District Buner /P.E. T, G.M.S Wuch Khwar Kawga District Buner.

"Appellant"

VERSUS

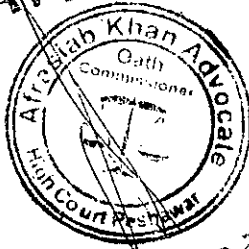
- 1-7. D.E.O (Male) E&S Education Deptt; District Buner.
- 2-8. Director E&S Education KP Peshawar.
- 3-9. Secretary E&S Education KP Peshawar.
- 4-10. District Accounts Officer Buner.
- 5-11. Head Master Govt; Middle School Wuch Khwar Kawga Buner.
- 6-12. Muhammad Haroon PET GHS Langaw Buner Now GMS Wuch Khwar
Kawga Buner.

"Respondents"

AFFIDAVIT

I, Zia Ur Rahman PET Govt; Middle School Wach Khwar Kawga Buner. S/O
Habibur Rahman do hereby affirm and declare on oath that the entire contents
of the instant Service Appeal are true and correct and that no such like service
appeal is pending or has been filed before this Hon; Service Tribunal or is
pending before this Hon; Tribunal or has been decided by this hon; Tribunal
earlier.

ATTESTED



14/11/2023

(Handwritten signature)

Appellant/deponent.

CNIC NO.151012047226-9

Dated, 11/11/2023

03449224473,

IN THE KHYBER PUKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2023.

ZIA UR RAHAMN S/O Habib Ur Rahman R/O Village Kankowai Tehsil Mandnar
District Buner /P.E.T, G.M.S Wuch Khwar Kawga District Buner.

"Appellant"

VERSUS

1. D.E.O (Male) E&S Education Deptt; District Buner.
2. Director E&S Education KP Peshawar.
3. Secretary E&S Education KP Peshawar.
4. District Accounts Officer Buner.
5. Head Master Govt; Middle School Wuch Khwar Kawga Buner.
6. Muhammad Haroon PET GHS Langaw Buner Now GMS Wuch Khwar Kawga Buner.


"Respondents"

ADDRESSES OF PARTIESZIA UR RAHAMN S/O Habib Ur Rahman R/O Village Kankowai Tehsil Mandnar
District Buner /P.E.T, G.M.S Wuch Khwar Kawga District Buner.

"Appellant"

1. D.E.O (Male) E&S Education Deptt; District Buner.
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3. Secretary E&S Education KP Peshawar.
4. District Accounts Officer Buner.
5. Head Master Govt; Middle School Wuch Khwar Kawga Buner.
6. Muhammad Haroon PET GHS Langaw Buner Now GMS Wuch Khwar Kawga Buner.

"Respondents"

Through Counsel,  APPELLANT
Rahim Khan
Adv
High Courts
Officeat distt; Courts DaggarBuner
Cell = 03439049185
Dated; 11/11/2023.

IN THE KHYBER PUKHTOONKHWAW SERVICE TRIBUNAL PESHAWAR

C.M No. _____/2023.

ZIA UR RAHAMN S/O Habib Ur Rahman R/O Village Kankowai Tehsil Mandnar
District Buner /P.E.T, G.M.S Wuch Khwar Kawga District Buner.

“Appellant”

VERSUS

1. D.E.O (Male) E&S Education Deptt; District Buner.
2. Director E&S Education KP Peshawar.
3. Secretary E&S Education KP Peshawar.
4. District Accounts Officer Buner.
5. Head Master Govt; Middle School Wuch Khwar Kawga Buner.
6. Muhammad Haroon PET GHS Langaw Buner Now GMS Wuch Khwar Kawga Buner.

“Respondents”

APPLICATION FOR INTERIM RELIEF IN A SHAPE OF SUSPENSION OF THE ORDER End; NO.3659-64 DATED, 01/08/2023, IMPUGNED, BY VIRTUE OF WHICH THE SERVICE OF THE APPELLANT HAS BEEN WRONGLY AND ON MALA FIDE INTENTION AND ILL WILL, REMOVED ILLEGALLY, WHITH OUT ANY SHOW CAUSE NOTICE OR PERSONAL HEARING OR CONDUCTING ANY IMPARTIAL ENQUIRY - & WITH OUT ANY FAULT OF THE APPELLANT.


Respectfully sheweth;

1. That the the instant service appeal on the subject is being filling wherein no date is fix so far.
2. That the impugned order NO.3659-64 dated , 01/08/2023, is totally against the law (being is the output of an illegal transfer order even dated 07/03/2023 against which departmental appeal of the petitioner/appellant was accepted) and is without any show cause notice or conduction of any enquiry of without providing any opportunity of personal hearing hence is not sustainable under the law, so strong prima facie case is in favour of the appellant/petitioner, while irreparable loss is also to the appellant /petitioner and also

The balance of convenience is in favour of the appellant/petitioner.

- 3. That the entire contents of the service appeal of the appellant /petitioner may be considered as part and parcel of this of the instant C.M.
- 4. That further further legal and factual grounds would be advanced at the time of arguments.

Therefore it humbly prayed that on acceptance of this C.M the relief sought in a shape of suspension of the order impugned dted 01/08/2023, may be granted in favour of the petitioner/appellant . further relief to which the petitioner/appellant is otherwise entitle under the law may also be granted in favour of the petitioner/appellant though not specifically rayed for in the instant C.M.

Through Counsel  PETITIONER / APPELLANT
 Rakim Khan
 Adv
 High Courts
 Office at distt; Courts DaggarBuner
 Cell = 03439049185
 Dated; 11/11/2023.

Certificate

It is to certify that the entire contents of the instant C.M are true and correct and that no such like C.M is pending before this Hon;Tribunal or in any other court or has been decided earlier.

PETITIONER/APPELLANT.

P-15

IN THE KHYBER PUKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

CM No. _____/2023.

IN SERVICE APPEAL _____/2023

ZIA UR RAHAMN S/O Habib Ur Rahman R/O Village Kankowai Tehsil Mandnar
District Buner /P.E. T, G.M.S Wuch Khwar Kawga District Buner.

"Appellant"

VERSUS

1. D.E.O (Male) E&S Education Deptt; District Buner.
2. Director E&S Education KP Peshawar.
3. Secretary E&S Education KP Peshawar.
4. District Accounts Officer Buner.
5. Head Master Govt; Middle School Wuch Khwar Kawga Buner.
6. Muhammad Haroon PET GHS Langaw Buner Now GMS Wuch Khwar Kawga Buner.

"Respondents"

AFFIDAVIT

I, Zia Ur Rahman PET Govt; Middle School Wach Khwar Kawga Buner. S/O Habibur Rahman do hereby affirm and declare on oath that the entire contents of the instant **CM** are true and correct and that no such like **CM** is pending or has been filed before this Hon; Service Tribunal or is pending before this Hon; Tribunal or has been decided by this hon; Tribunal earlier.




Petitioner/deponent.

CNIC NO.151012047226-9

Dated, 11/11/2023



OFFICE OF THE DEPUTY EDUCATION OFFICER
EMALI DEPTEMENT
PHONE & FAX NO. 099 55119
EMAIL: eddo@pmail.com



NOTIFICATION

Consequent upon the submission of online applications by teachers in E-transfer for verification of working indicators and recommendations of the District Verification Committee transfer system in the light of E-transfer policy issued by Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar vide Notification No. (SO) S.A.E.S/D/7/3629 P/2017 dated 20.01.2017.

The Competent Authority is pleased to transfer the following teachers against the vacant posts in the schools mentioned against their names in their own pay and scale in the best interest of public service with immediate effect.

S.N	Name	Designation	From	Transfer To
1	AFZAL KHAN	AT	GIS BUDAL	GIS ELAL
2	ABDUR RAB	AT	GIS DARGALAI	GIS GULJAB BAL
3	FAZIL LAHI	AT	GIS GANSHAL	GIS WAFILABAL
4	ALIM SAID	AT	GIS MAIPAGA	GIS ANANAI
5	GUL WALLE KHAN	CT	GIS FAROPAI	GIS GULJAB BAL
6	NOORUL QADIR	CT (PT)	GIS SHARAI	GIS GULJAB BAL
7	ZIA UR REHMAN	P.T.	GIS KAT KAL	GIS GULJAB BAL
8	HAKEM ZEB	PSHI	GPS NAWAWAI	GPS SHARAI
9	SAID ALI SHAH	PSHI	GPS SARAP BANDA	GPS DANALAI
10	ENAYAT GUL	PSHI	GPS MALI YHELA BUNER	GPS DERAI THEENA
11	ZAIN MUHAMMAD	PSHI	GPS KUZATAMPRA	GPS BUNAMPRA
12	HAKEM ZADA	PSHI	GPS BARGOKMALAI	GPS NAWAWAI KRAPS
13	MUFTAZIR KHAN	PSHI	GPS CHARANAB	GPS RAHMUNABAL ELAI
14	TAJ MUHAMMAD KHAN	PSHI	GPS ALMGRAM	GPS SHARAI
15	AMIR GHANI	PSHI	GPS BAMP	GPS SHARAI
16	ANWAR HUSSAIN	PSHI	GPS SHARAI GHANAI	GPS SHARAI
17	SARZAMIN KHAN	PST	GPS MARVAZ GUL	GPS SHARAI
18	NAZIR ALAM	PST	GPS ALAM TUNAI	GPS SHARAI
19	RAHMAN ULLAH	PST	GPS KULYAR JABO	GPS SHARAI
20	HABIB HASAN	PST	GPS KATEMAL	GPS JOWAR NO.1
21	MUHAMMAD KAMRAN	PST	GPS GHARAI	GPS BAMP KHA
22	GUL RAHMAN	PST	GPS AMBELA	GPS AMBELA BALA
23	GHANI AKBAR	PST	GPS GARAI SAPARI	GPS KORELA
24	SHAHABULLAH	PST	GPS AMBELA DARA	GPS KAWGA NO.1
25	HABIB UR RAHMAN	PST	GPS BAZAR KOI	GPS GISHAR SORAY CHAGHARZ
26	SARDAR AHMAD	PST	GPS AMBELA	GPS AGARAI

etc
R
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17

27	MUHAMMAD FAHIM	PST	GPS ALI QO	GPS GHAFAR BIN LALU
28	ASAD IQBAL	PST	GPS ROLLYA CHABLA	GPS SUDHAR BIN HANS SULT
29	MUHAMMAD RIAZ	PST	GPS ERAPA HAR SUDHAR	GPS F. ALI
30	ARUF	PST	GPS NOORAM	GPS GHURGHUR HILLO
31	BARKAT DAD	PST	GPS CHAR	GPS SUDHAR
32	MUHAMMAD IRSHAD	PST	GPS SHEAM	GPS TOPP P. S. SUDHAR
33	AHMAD ZAMEEN	PST	GPS AMREYA	GPS SUDHAR
34	IRFAN ULJAH	PST	GPS CHAP	GPS SUDHAR
35	BAHADAR SHEK KHAN	PST	GPS ALI QO	GPS SUDHAR
36	UMAR RAHMAN	PST	GPS PIRAJAI	GPS ALI QO SUDHAR
37	HABIB UR RAHMAN	PST	GPS PIRAJAI	GPS ALI QO SUDHAR
38	SABED ULLAH	Qari/Qaria	GHS NANNER	GHS LAMU DAMPA
39	BASHIR AHMAD	Qari/Qaria	GHS MIRZAKAI	GHS GHURGHUR HILLO
40	SAID WAHID	Qari/Qaria	GHS KINGAR GALAI	GHS BUDAI
41	FAIZ UR RAHMAN	Senior C.T	GHS CHENNA	GHS ERAPA
42	GHANI SAID	Senior C.T	GHS GHURGHUR HILLO	GHS ADI GHORPA
43	MUHAMMAD ALI KHAN	Senior C.T	GHS TOFALAI	GHS SAWAWAI
44	FAZAL MUHAMMAD	Senior C.T	GHS BACRA	GHS HESAP
45	ASLAM KHAN	Senior C.T	GHS BAFARA	GHS LAMU DAMPA
46	MUHAMMAD HASSAN	Senior C.T	GHS GADEZAI	GHS HESAP
47	SIAMS UR RAHIM	Senior C.T	GHS AMINAWAR	GHS LAMU DAMPA
48	SAID ARIF SHAH	Senior C.T	GHS DIWANA BABA	GHS LALU
49	MUHTAJ MUHAMMAD	Senior C.T	GHS NAWAY KALAY	GHS ADI GHAPAR
50	ABDUL WADOOD	Senior PST	GPS KHAI	GPS AMU AWAR HILLO
51	MUHAMMAD ALAM	Senior PST	GPS ANGHAPUR KOT	GPS TOP WAPAR HILLO
52	WAHEED GUL	Senior PST	GPS AHLAN JAN MOHAMMAD EANDAW	GPS RAHIM ABAD TOFALAI
53	ZAMAN GUL	Senior PST	GPS MANGAI THASA	GPS GHURGHUR HILLO
54	MANSUR KHAN	Senior PST	GPS DIWANA BABA KOT	GPS BAHU GALAI BANDA
55	SAID MOHAMMAD	Senior PST	GPS ASHELZO KAWAY KALAY	GPS MULA YOGALAI
56	HAMEED UR RAHMAN	Senior PST	GPS JANG DARA TORWABGAR	GPS MULA YOGALAI
57	SYED ULLAH	Senior D.M	GHS BAZAR KOT	GPS MATHA BAGAI
58	ABDUL QAHR	Senior T.T	GHS KHANSA DHEPAI	GPS HESAP
59	IKRAM ULLAH	Senior T.T	GHS DAGAI	GPS GHURGHUR HILLO
60	AZIZ UR RAHMAN	SST (Bio-Chemistry)	GHS GHAZI KOT	GHS MUGH DABA
61	MUHAMMAD JAVID	SST (General)	GHS THEGARAY	GHS BATE MEAI
62	AMEER AZAM	SST (General)	GHS GHAZI KHANAI	GHS DIWANA BABA
63	KISHWAR KHAN	SST (General)	GHS HESAR BABA	GHS BACH
64	JAMIL UR RAHMAN	SST (General)	GHS PANDIR	GHS KHARSA BABA
65	KHER UL AZIM	SST (General)	GHS SAWAWAI	GHS MIRZAKAI
66	ABDUS SAMAD	SST (Maths-Physics)	GHS CHINGLAI	GHS HESAP
67	RAZIMAND SAID	SST (Maths-Physics)	GHS GUL BANDAI	GHS LANG GOPA
68	SABIR KHAN	SST (Maths-Physics)	GHS GORAND	GHS LAMU DAMPA
69	ABDULLAH	SST (Maths-Physics)	GHS BACRA	GHS MATHA BAGAI

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0	AMJAD ALI	T.T.	GMS BANDA	GMS BANDA
1	MANZOOK HUSSAIN	T.T.	GMS THEGARAY	GHS JANAK BANDA
2	KALBEM ULLAH	T.T.	GHS GIRARAI	GMS MULA YUSAF

NOTE:

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.

(IFTIKHAR UL GHANI)
 DISTRICT EDUCATION OFFICER
 (MALE) DISTRICT BUNER

Endst. No. 2938-45 Dated 05-07-2021
 Copy forwarded for information and necessary action to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Buner.
3. District Accounts Officer Buner.
4. District Monitoring Authority (EMA) Buner.
5. Principals / Head Masters Concerned.
6. SDEOs concerned.
7. Teachers concerned.
8. ADEO Establishment Primary & Secondary local office.

etc
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 DISTRICT EDUCATION OFFICER
 (MALE) DISTRICT BUNER
 5/7/21

Annexure "A-1" Page -19

OFFICE OF THE HEADMASTER GOVT HIGH SCHOOL KATKALA DISTRICT BUNER.

No. 1194.

Dated. 05th July 2021.

COMMENDATION CERTIFICATE.



It is to certify that Mr. ZIA UR RAHMAN S/O HABIB UR RAHMAN R/O Village Kankowai Post Office Nawagai Tehsile Mandanr District Buner. / Physical Education Teacher of this School who served in this School from **21st March 2015 up to 07th July 2021**. He remained during the aforesaid period most obedient, punctual, and dutiful. He is a hard worker and knowing his job very well and performed his duty into the entire satisfaction of the undersigned. He not only always found duly disposed of his task well in time, but he remained very cooperative to all his colleagues. His overall performance in the school, during the period, he remained here, found always extraordinary and handsome. So, I am being head of this institution and wish him to be success in future.

This certificate is being awarded under my signature and seal.

Headmaster
GHS Katkala Buner.
HEAD MASTER
Govt: High School
Katkala Dist: Buner



Annexure "B"
GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) BUNER

Phone & Fax No.0939-555110 Email: edobuner@gmail.com

TRANSFER ORDER.

Consequent upon the report submitted by the Head Master GMS Wach Khwar Kawga, Buner Dated 21-12-2022 and the subsequent report dated 06-01-2023 against Zia Ur Rahman PET of the concerned school, the Competent Authority is pleased to transfer Mr. Zia Ur Rahman PET bearing CNIC No. 15101-2047226-9 GMS Wach Khwar, Kawga to GHS Janak Banda on disciplinary grounds on account of absenteeism, inefficiency, misconduct, creating embarrassing situation for the department in the interest of public service with immediate effect.

Note:-

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.

(IFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER
MALE BUNER

Endst:No. 107-11 /SST-SPET- File2022

Dated: 9 / 1 / 2023

Copy is forwarded for information to the;-

- 1 Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar.
- 2 District Monitoring Officer EMA at Buner.
- 3 District Accounts Officer Buner at Daggar.
- 4 Principal /Head Master concerned.
- 5 Official concerned.

DISTRICT EDUCATION OFFICER
MALE BUNER

Scanned with CamScanner

Amex "B-1" (P-20)



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT BUNER

Phone & Fax No.0939-555110 Email: edobuner@gmail.com



CORRIGENDUM.

In partial modification of this office transfer order on disciplinary grounds issued vide Endst: No. 107-11 Dated: 09-01-2023, the school name in R/O Mr. Zia Ur Rahman PET may be read as GHS Malka instead of GHS Janak Banda in the interest of public service.

Note:

1. No TA/DA is allowed.

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(IFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER
MALE BUNER

Endst No: 1130-34 /P.File- Zia Ur Rahman-PET Dated: 07/03/2023

Copy of the above is forwarded for information to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshwar.
2. District Monitoring Officer EMA, Buner.
3. District Accounts Officer Buner at Daggar.
4. Principal/Head Master Concerned.
5. Official concerned.

Handwritten signature
DISTRICT EDUCATION OFFICER
MALE BUNER
7/3/23

Anex "B-2" (P-22)



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE BUNER

Phone & Fax No.0939-555110 Email: edobuner@gmail.com

NO. 824 /Estab:Secy

Dated: 17/12 /2023

To

The District Accounts Officer
District Buner at Buner.

Subject: - PAY STOPPAGE IN R/O Mr. Zia Ur Rahman PET GHS Janak Banda,
Buner

Memo;

Reference is made to the subject cited above that the below mentioned has been transferred from GMS Wach Khwar, Kawga to GHS Janak Banda vide No. 107-11 dated 09-01-2023, Since the concerned official is absent from his duty till now and is irregular, irresponsible and inefficient towards his duty.

S#	Name & Designation	Absence report	Personal No.	Place of Posting	Remarks
1	Zia Ur Rahman PET	09-01-2023 till now	00702297	GHS Janak Banda	

Hence, you are requested to stop the pay of the said official so as to save Govt. Exchequer from undue loss.

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[Handwritten signature]
DISTRICT EDUCATION OFFICER -
MALE BUNER.
Dated: 17/12 /2023

Endst: No. /PersonalFile-2023

Copy for information to the.

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar.
2. District Monitoring Officer EMA, Buner
3. Head Master GHS Janak Banda, Buner.
4. Official concerned.
5. Master file.

[Handwritten signature]
DISTRICT EDUCATION OFFICER
MALE BUNER.

NAK**

بخدمت جناب ڈائریکٹر صاحب ایلیمینٹری اینڈ سیکنڈری ایجوکیشن خیبر پختونخواہ
پشاور

سائیل :- ضیاء الرحمن پی.ای.ٹی. گورنمنٹ مڈل سکول وچ خوز کوگا ضلع بونیر۔

عنوان :- درخواست بمراد منسوخ تبادله ازدر نمبر 107-11-2023 مورخہ 09-01-2023 ازدر نمبر

34-1130

بمورخہ 07-03-2023 اور ازدر نمبر 824 مورخہ 17-02-2023 از جانب ڈائریکٹر ایجوکیشن

افیسر صاحب ضلع بونیر

Director B&S
P.O. cancelled the
order at your end.

Subreg
24/4/23

جناب عالی! Rahmat Salam Khattak
Advisor to Chief Minister
For Elementary &
Secondary Education

درخواست بوجوات و عنوان بالا درجہ ذیل ہے۔

1. یہ کہ موجودہ سکول یعنی جی.ایم.ایس. وچ خوز کوگا میں ہمہ

ہو گیا ہے، موجودہ سکول کو 08-07-2021 میرا ٹرانسفر ہو گیا ہے

میں ہے جو کہ رولز اور قانون کے حقائق سے

2. یہ کہ میری بیوی بھی 11-01-2019 سے لیکر تا حال محکمہ تعلیم میں بطور معلمہ اپنی

ڈیوٹی سر انجام دے رہی ہے، میرا تبادلہ اس سے دو طرفہ تقریباً 80 کلومیٹر دور کر دیا گیا ہے
یعنی سیاؤس پالٹسی کے لحاظ سے بھی درست نہیں ہے۔

3. یہ کہ سائیل نے آپ صاحبان کے خدمت میں محکمانہ توسط سے اپیل 13-03-2023 جمع

کرائی تھی جس کی وجہ سے میں سروس اپیل بھی نہیں کر سکتا اور نہ ہی کسی اور فورم پہ
جا سکتا ہوں، لیکن اسکے باوجود سائیل کی مابانہ تقواہ بند کی گئی ہے جس کی وجہ سے
گزر بسر مشکل ہو گیا ہے۔

4. یہ کہ ایک روڈ انکسپنڈنگ کی وجہ سے میرے ایک باؤں ایک باؤں اور زمین الٹی راہ جیکے جتا

ہو گیا ہے اور مذکورہ سکول کیلئے پبلک ٹرانسپورٹ کی سہولت بھی نہیں ہے جس کی
وجہ سے میں مذکورہ سکول میں بامر جسمانی مجبوری کے ڈیوٹی کرنے کے قابل نہیں ہوں۔

لہذا استدعا ہے کہ سائیل کے ساتھ انصاف اور رحم دلی کا معاملہ کرتے ہوئے بعنوان مذکورہ

بالا احکامات کو منسوخ اتنا تاریخ اجراء فرما کر داد سے فرمائے جائے اور ساتھ ہی مابانہ
تقواہ رٹیلیٹ کرنے کے احکامات صادر فرمائیں، تو سائیل تا حیات دعا گو رہیگا۔

عریضہ آپکا تابع فرمان۔

سائیل ضیاء الرحمن پی.ای.ٹی. گورنمنٹ مڈل سکول وچ خوز کوگا ضلع بونیر

مورخہ 17-04-2023

See in Bill

Appeal accepted
order will be
issued

no. 1130-34
dated 27/3/2023
Please

Director
Elementary & Secondary Education
Peshawar

Anex - "D" (P-24)

IN THE COURT OF SESSION JUDGE DISTRICT BUNER AT DAGGAR

Petition No. /2023.

Zia Ur Rahman S/O Habib Ur Rahman R/O Kankowai Tehsil Mandanr District Buner/
PET Govt: Middle School Wuch Khwar Kawga Buner. "Petitioner"

Versus

1. Mohammad Sadiq S/O Muhammad Ishaq R/O Nawagai Tehsil Mandanr Distt; Buner /Head Master Govt; Middle School Wuch Khwar Kawga Buner.
2. Iftikharul Ghani S/O Ghaniur Rehman R/O Managai Distt; Sawabi/DEO (M) Buner. "Accused"
3. S.H.O Nowagai police Station Tehsil Mandanr District Buner' "Respondent"
4. Director Education E & S Education K.P Province Peshawar. "Proforma Respondent"

APPLICATION UNDER SECTION 22- A Cr R P C, FOR REGISTRATION OF F.I.R , AGAINST THE AFOREMENTIONED ACCUSED UNDER SECTION 186, 353, 506/34 PPC etc & 7 ATA, WHICHEVER IS APPLICABLE IN THE CASE OF THE ACCUSED AS THE ACCUSED NO.1 UNDER THE VERBAL DIRECTIONS OF THE ACCUSED NO.2 HAS WRONGLY BEATEN WHILE THE COMPLAINANT WAS PERFORMING HIS DUTY AS PET IN GOVT; MIDDLE SCHOOL WUCH KHWAR KAWGA ON DATED 13/04/2023 AT 9-30 AM, AND RESTRAINED THE COMPLAINANT FROM HIS OFFICIAL DUTY GIVING HIM LIFE THREAT TO THE COMPLAINANT IF IN FUTURE THE COMPLAINANT KEEP CONTINUE HIS DUTY IN GOVT MIDDLE SCHOOL WUCH KHWAR KAWGA.

Respectfully sheweth

FACTS

1. That the complainant had taken over his charge in Govt; Middle school Wuch Khwar Kawga on dated 08/07/2021, on transfer from GHS Katkala vide transfer order No. 2938/45 dated 05/07/2021. Copy of the concerned order is annexed as "A".
2. That since 08/07/2021 while the complainant had taken over charge of his duty in GMS Wuch Khwar Kawga, the accused No.1 and then No.2 have on Mala fide intention and ill will has started his negative activities against the complainant on mala fide , and the duty of PET was given to another teacher and consequently the accused No. 1 with collusion of accused No.2 has started writing of secret letters to the accused No.2 just to create false grounds for wrong transfer order of the complainant and basing on that secret complaints , the accused No. 2 made a transfer order No. 107-11 dated 09/01/2023, and then another transfer order on dated 07/03/2023, was issued for the transfer of the complainant with which the complainant was transferred to GHS Malka. Copies of those both transfer orders are annexed as "B" for ready reference and perusal.
3. That the complainant then assailed the transfer order concerned impugning that the same was illegal being premature which and also was during Ban, imposed by the Hon; Secretary Education Dept; K.P, vide Notification No. SO(SM)E & SED /5/17/2022/PT/ G DATED 27/12/2022, and also was against the spouse policy while the same order was not a simple transfer order but was a transfer on administrative grounds. Copy of Notification dated 27/12/2022, is annexed as "C" for ready reference and perusal.
4. That as a matter of fact as the order of transfer both but even dated 07/03/2023 was illegal and as per lordship of the August Supreme Court of Pakistan Plethora judgment PLD 1995 SC 530 the complainant being subordinate to the accused was not binding to obey that illegal order and should wait for statutory period of 90 days for response of his departmental appeal so filed against. Copy annexed as "D".
5. That meanwhile as no counter part of the complainant was ordered, vide both the wrong orders of transfer, hence the complainant being not, so relieved from his existing seat, has continuously, been performing his duty in GMS Wachkhwar koga as routine. therefore while the complainant was in class room and was teaching the students of class 8th at about 9-30 AM, on dated 13/04/2023 , the accused No.1 under the verbal directions of accused No.2, as per expression of the accused No.1 himself , before the eye witnesses, present on the spot, ie 1: Abdul Aziz S/O

TRUE COPY
Ad
EXAMINER
Session Judge Buner
No. 2938/45 dated 05/07/2021
RO No. 10 of 1984

Muhammad Zubair CT 2. Muhammad Rashid S/O Fazal Qayoom CT and others, just to follow their ulterior motive, by wrongly and unlawfully, committing the offence as mentioned in the subject captioned above, used physical force by beating the complainant with a stick, has restrained, the complainant from Govt duty also with threat for life the unlawfully from Govt duty with a threat for the same illegal purpose while the complainant has so far not officially relieved from GMS wachkhwar Koga correctly because;

- 6. That the aforementioned transfer/ order latest modified order end; No.1130-34, dated 07/03/2023, while accepting the departmental appeal of the complainant, on dated 27/04/2023, by the worthy Director E & S education Deptt; K.P, being illegal was directed by the appellate authority to the accused No.2, to withdraw the same, so when the transfer order concerned was not in field then why the monthly salary of the complainant was stopped, vide order No.824 dated, 17/2/2023 with effect from 1st February, 2023 by the accused No.2 then if both the accused wished he was at the liberty to take more illegal action like that, however in no case and by No law or logic the accused No.1 & 2 both, were allowed and empowered or entitle to use physical force against the complainant circumstances just for refraining the complainant from performing his official duty.
- 7. That the complainant just after the commission of the offence under reference, by both the accused, on the same time and day /date, has filed complaint before the respondent No.3 who assured that he will do the needful asked for, then the complainant attended the Civil Hospital Nawagai chamlra for the treatment and also after few days, when the action asked was delayed the complainant then unavoidably filed a written complaint before the DPO Buner on dated 28/04/2023. copy annexed for ready as "E"
- 8. That after lapse of a considerable period, despite repeated reminders and assurance from respondent No.3 and the DPO, Buner when no positive action was taken against the accused, and by clear refusal on 20/5/2023, the complainant /petitioner unavoidably having no alternative adequate remedy except to file the instant complaint on the following Grounds among other inter alia.

2/6
25-5-23

Grounds

- a. That the action impugned committed by the accused No.1, under the directions of the accused No.2, constitutes the aforementioned offence and Section of laws including other relevant section of PPC & ATA, but delay in lodging of F I R and then refusal of the respondent No.3, is wrong and is the result of collusion with the accused and is not sustainable under the law.
- b. That the respondent No.3 is/was duty bound, under section 154 Cr PC to lodge the F I R against the accused and refusal of Respondent No.3 was tantamount to refusal of his mandatory duty under the law.

TRUE COPY
Ad
EXAMINER
RO No: 00 of 1984

That refusal of the respondent No.3, from lodging of the F I R asked for, by the complainant, was purely on mala fide intention and was a result of un due and illegal favour of the accused No.1 & 2. Which also falls against the public intrest and also is against interest of the GMS wachkhwar Koga /institution and the students of 8th class of GMS wachkhwar too.

- d. That the accused No.1 & 2 both were bound to obey the legal command of the respondent No.4, Director Education K.P, who while accepting the departmental appeal of the complainant had also directed to the accused No.2, to withdraw the transfer order end; No.1130-34 dated 07/3/2023 of the complainant and in light of the same acceptance vide endorsement dated 27/4/2023 of the Director education K.P, when the transfer order dated 07/03/2023, was no more in field and restraining of the complainant from his official legal duty in a Govt; institution /GMS wachkhwar Koga not only constitutes section 186,353 & 506/34 PPC but constitutes and attracts section 7 ATA too, including other. Hence the respondent No.3 was bound to lodge the FIR in question.
- e. That when the complainant had attended the police station Nowagai well in time just after the occurrence, on dated 13/4/2023, at about 10.00 AM, in response to which, the respondent No.3 assured that he will very soon lodge F I R and also advised to attend the Civil Hospital Nawagai for necessary treatment which the complainant had done. Copy of the OPD chit is annexed as "F".
- f. That after few days when it was noticed that the respondent No.3, has wrongly convinced by the accused No.1, and he was not in a position to either even call the accused to the police station and ensure the protection of the complainant while performing his duty in

(26)

the school concerned. Then the complainant un avoidably having no alternative and approached the DPO Buner, in written on dated 28/4/2023, but so far he adlso did nothing .copy of the said complaint is also annexed as "G".

- g. That the complainant after waiting for a long time but despite that the Respondent No.3, by approaching him through DPO Buner, have again done nothing. Hence the complainant having no alternative adequate remedy except to file this complaint and will advance more grounds at the time of arguments.

Therefore it is most humbly prayed that on acceptance of this complaint the relief sought may be granted and the respondent No.3 may be directed to lodge the F I R in question under the sections of PPC and 7 ATA and other applicable sections. Further relief to which the complainant is otherwise entitle under the law, though not specifically prayed for, may also be granted in favour of the complainant .

Handwritten signature and scribbles

Through

Handwritten signature
Complainant

RAHIM KHAN
Adv high Court
Office at; District Courts Daggar Buner
Cell = 03439049185
Dated, 22/05/2023

STATEMENT ON OATH

I do hereby declare and undertake on oath that the entire contents of this complaint are ture and correct and that no such like complaint has ever been filed earlier befor any competent court or ever decided

Handwritten signature
Complainant

ATTESTED
Lawyer at all
Advocate (Dist. Commission)
District Court Daggar Buner
307 24/05/2023

TRUE COPY
EXAMINER
District & Session Judge
Authorized under 107 of
20 No-26 of 1984



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE BUNER

Phone & Fax No. 0939-555110 Email: edobuner@gmail.com

NOTIFICATION

1. WHEREAS Mr. Zia Ur Rahman PET GMS Wach Khwar Kawga, Buner was reported by the Headmaster concerned for his absenteeism, inefficiency, misconduct and creating embarrassing situation for the department and was transferred on disciplinary ground to GHS Janak Banda Vide Endst: No. 107-11 Dated 9-1-2023.
2. AND WHEREAS the official concerned did not comply with the office order and did not take charge at his new station and remained absent w.e.f. 9-1-2023 till date.
3. AND WHEREAS in partial modification of the transfer order, a corrigendum made to GHS Malka instead of GHS Janak Banda on his own request vide this office corrigendum Endst. No. 1130-34 Dated 7-3-2023, but again he did not take over charge there and remained wilfully absent.
4. AND WHEREAS, he was proceeded against under E & D Rules 2011 for the charges mentioned in charge sheet and statement of allegations.
5. AND WHEREAS a formal inquiry was conducted through inquiry committee constituted vide this office No. 2344-47 dated 18-05-2023 comprising of Mr. Pervez Khan Principal BPS-19, GHSS Chanar as Chairman and Mr. Sikandar Hayat BPS-17, SDEO (M) Daggar as member.
6. AND WHEREAS the inquiry committee conducted a comprehensive inquiry and submitted its report.
7. AND WHEREAS the inquiry committee recommended major penalty of removal from service upon the delinquent official.
8. AND WHEREAS a final show cause notice was served to the official concerned vide Endst. No. 2974-77 dated 21-06-2023 through registered courier no. RGL 105799262, RGL 105799263 and RGL 105799264 Dated 22-06-2023, to which the official concerned did not reply till date.
9. AND WHEREAS the competent authority, DEO (M) Buner, after having considered the charges, evidences on record, inquiry report, show cause notice, is of the view that the charges against the accused have been proved.

NOW, THEREFORE, in exercise of the powers conferred under the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Disciplinary Rules 2011), I Mr. Iftikhar Ul Ghani DEO (M) Buner, as Competent Authority, am pleased to impose Major penalty of "Removal from Service" upon Mr. Zia Ur Rahman PET GMS Wach Khwar under transfer to GHS Malka Buner, in the interest of public service with immediate effect. The intervening period i.e. w.e.f. 9-1-2023 till date, is converted into unauthorized absence.

Note:-

1. Necessary entry to this effect should be made in his service Book accordingly.

(IFTIKHAR UL GHANI)
DISTRICT EDUCATION OFFICER
MALE BUNER.

Endst: No. 3659-64 Dated 01/08 2023
Copy for information to:-

1. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner Buner.
3. District Monitoring Officer EMA, Buner.
4. District Accounts Officer Buner at Daggar
5. Head Master/Incharge concerned.
6. Official Concerned.

DISTRICT EDUCATION OFFICER
MALE BUNER.

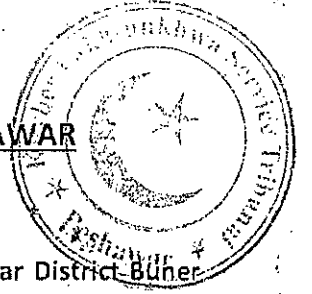
Annex: "F"

(P-28)

(1)

BEFORE THE KHYBER PUKHTOON KHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1448 /2023



ZIA UR RAHAMN S/O Habibur Rahman R/O Village Kankowai Tehsil Mandnar District Buner /P.E.T Govt; Middle School Wuch Khwar Kawga E & S Education Deptt; District Buner.

"APPELLANT"

VERSUS

1. D.E.O (Male) E & S Education Deptt; District Buner.
2. Head Master Govt; Middle School Wuch Khwar Kawga Buner.
3. District Accounts Officer Buner.

"Respondents"

4. Director Education E & S KP Peshawar..

"Proforma Respondent"

SERVICE APPEAL UNDER SECTION NO.4 OF THE SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER IMPUGNED NO.824 DATED 17/2/2023; ADDRESSED TO THE DISTT; ACCOUNTS OFFICER BUNER, WITH COPIES THERE OF ENDORSED TO THE APPELLANT AND OTHERS, WHEREBY, BY MISS USING OF POWER AND OFFICIAL STATUS, RESPONDENT NO.1 WITH COLLUSION OF RESPONDENT NO.2, HAS WRONGLY STOPPED THE MONTHLY PAY OF THE APPELLANT FROM 01/02/2023, DISPISTE THE FACT, THE APPELLANT HAS REGULARLY BEEN PERFORMING HIS DUTY AT G.M. SCHOOL WACH KHWAR KOGA, WHILE AGAINST THE LAW AND RULES, ON MALA FIDE INTENTION AND ON PERSONAL GRUDGE BY COLLUSION OF THE RESPONDENT NO.3 ALSO, JUST TO TORTURE THE APPELLANT, UNWARRANTEDLY TO SUFFER THE APPELLANT AND HIS DEPENDENTS TO CAUSE UNWARRANTED FINANCIAL HARDSHIP FOR THEM, FOR COMPELLING THE APPELLANT TO OBEY THE ILLEGAL COMMAND OF THE RESPONDENTS NO. 1, WHO BY PASSING ILLEGAL ORDER END; NO.107-11 DATED 09/01/2023 & THEN BY A NOMINAL CORRIGENDUM THERE IN, ISSUED ANOTHER ORDER END; NO. 1130-34 DT 07/03/2023, WITH COLLUSION OF RESPONDENT NO.2, ON MALA FIDE INTENTION AND ILL WELL, JUST TO SATISFY THEIR PERSONAL GRUDGE, BY VIRTUE OF WHICH THE RESPONDENTS NO.1 & 2, PLANED PRE MATURE TRANSFER, EVEN DURING BANE AND AGAINST THE SPOUSE POLICY, WITHOUT COUNTERPART OF THE APPELLANT, WHICH WAS NOT LAW FULL, BEING MALA FIDE AND ILLEGAL AND WAS THEREFORE NOT EXISTED UNDER THE LAW, AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT BEING MERITORIOUS ONE WAS ACCEPTED BY THE HON; PROFORMA RESPONDENT NO. 4, AND DESPITE CLEAR DIRECTIONS OF THE PROFORMA RESPONDENT NO.4, THE RESPONDENT NO.1 & 2, BY DISOBEYING THAT DIRECTIONS, HAVE ILLEGALLY BEEN RESISTING, EVEN BY USING OF PHYSICAL FORCE TO RESTRAIN THE APPELLANT FROM PERFORMING HIS OFFICIAL DUTY AND PUT HIM IN LIFE THREAT.

Respectfully Sheweth

PRAY IN APPEAL

BY ALLOWING THE INSTANT APPEAL OF THE APPELLANT, THE RESPONDENT NO.1 & 2, BE DIRECTED TO WITHDRAW HIS ALL ILLEGAL ORDERS EVEN NO.824 DATED 17/02/2023 JUST TO ENFORCE AND IMPLEMENT END; NO. 1130-34 DATED 07/03/2023 AND END; 107-11 DATED, 09/01/2023, WHICH ARE NO MORE IN FIELD AND SUBSEQUENT NO. 1566 DATED, 01/04/2023, OR EVEN NOT TO STRESS OR DISTURB THE APPELLANT OR RESTRAIN THE APPELLANT FROM PERFORMING OF HIS OFFICIAL DUTY IN GOVT; MIDDLE SCHOOL WUCH KHWAR KAWGA BUNER, WHILE THE RESPONDENT NO.3 MAY BE DIRECTED TO RELEASE AND

ATTESTED

Khyber Pukhtoon Khwa
Service Tribunal
Peshawar



PAY AS ARREARS FROM 1/2/023 SO STOPPED VIDE LETTER DATED 17/02/2023 ABOVE, AND CONTINUOUSLY TO PAY ONWARD, THE MONTHLY SALARY TO THE APPELLANT AS A ROUTINE AND NOT OBEY THE ILLEGAL ORDERS OF THE RESPONDENT NO.1.

FURTHER RELIEF TO WHICH THE APPELLANT IS OTHERWISE ENTITLED UNDER THE LAW THOUGH NOT SPECIFICALLY PRAYED FOR IN THE INSTANT APPEAL.

FACTS

1. That the appellant has been serving in the Education Deptt; since 22nd September 2012 up till now, and during his entire service, he remained obedient, punctual/dutiful and efficient. Therefore, the best performance of the appellant has always been commended by his immediate bosses and also he has been paid best teacher award by the Department/Govt; Copy of commendation certificate issued by the Head Master Govt High School Katkala, (where the appellant performed his duty since 21st March 2015 to 05th July 2021, just before taking charge in GMS wachkhwar kawga, under administrative control of the respondent No.2) is annexed as annexure "A" for ready reference and perusal.
2. That the appellant while took charge on 08th July 2021 in the present School GMS Wuch Khwar Kawga, has started his duty with great keen and zeal, just to keep satisfy the respondents No.2 and 1, because the station /GMS Wuch Khwar Kawga, was/ is a nearest station, being a home station of the appellant, while GHS Katkala, was falling, within a long distance of 90 KM, both side journey.
3. That from the 1st day (on 08th July 2021), in the said School(GMS Wuch Khwar Kawga), the respondent No.2, who was/is a habitual extra earner in the said school, from different sectors and the respondent No.1, was on his back, might be a shareholder in, too, did not accept the appellant as a subordinate and mala fide deleted and excluded the drill period and entrusted the sports activities like athletics to a Drawing Master, namely Mohammad Israr, especially belonging to the duty/seat of the appellant and also hating the appellant and was started negative efforts against the appellant, just to create grounds unwarrantedly for spoiling the career of him, at any cost. Copy of Time Table and also a copy of order Book dated 20/11/2022 are annexed as annexure "B" as a proof of.
4. That additionally the respondent No.2 also, was hesitating that the appellant just not know about the illegal means and record of that illegal earning and collection of money making by him, in official status and capacity in the said Govt; institution being Head of the same. So for the very purpose, he wants to keep aside the appellant from, and therefore, in the long run, the respondent NO.2, on mala fide intention and ill will, started sending of secret letters to the respondent No.1, just to provide illegal base for the transfer of the appellant without any intimation to the appellant, unwarrantedly, false and then the appellant was wrongly transferred premature, on so called administrative ground, vide order No. 107-11 dt,09/01/2023, despite during ban, imposed, by Govt; of K. P Education Deptt; through SECRETARY Education and in violation of spouse policy, against which, the appellant has filed a departmental appeal on 03/02/2023, copy of ban imposing notification, is annexed as "C".

RECEIVED
 17/02/2023
 Director
 Services
 Govt. of K.P.

3

5. That despite waiting for comments of the appellate authority or to decide by either way the departmental appeal of the appellant dated, 03/02/2023, filed against the 1st transfer order dated, 09/01/2023, the appellant did not comply with the order impugned being was illegal and was not binding on the appellant to obey and was performing his duty as a routine in his existing School (GMS wachkhwar) that on 07/03/2023 about 2 months later, the respondent NO.1, again, just either by caking out the appellant and clear the way of respondent No.1 or to keep the appellant in the endless series of so caused, mental torture and agonizing situation for compelling him to obey the illegal order and command of him and of respondents No.2, and leave the School without any legal or lawful resistance and efforts against, issued another order in a shape of so called nomenclatured, as Corrigendum, End; No. 1130-34 dt 07/3/2023, wrongly, with collusion of the respondent No.2, whereby the appellant was again transferred premature from GHS Janak Banda Tehsil Khadokhail/totalai, to GHS Malka Tehsil Amazai and also additionally threatening the appellant for severe consequences. Against which the appellant timely has also filed another departmental appeals on dated, 13/03/2023. So copies of both the departmental appeal 03/02/2023 & dt,13/3/2023 Copies of both the illegal orders dated, 09/01/2023 & dated,07/03/2023 both are annexed as "D: for ready reference.

6. That despite the appellant is performing his duties in the existing School as a routine and the respondent No.2 under the directions of the respondent No.1 beaten by stick in a class room in front of students and some teachers who came to the class room on listening the noise, however monthly pay of the appellant has wrongly in violation of his fundamental rights, been stopped without waiting for lapsing of the statutory period 90 days and with wrongly serving a show cause Notice to the appellant for noncompliance of that illegal order dated 07/03/2023, even, after accepting of departmental appeal dated 13/03./2023, on dt,27/04/2023, by the appellate authority /proforma respondent No.4, when actually there was no order in field or now exists. Copies of 1st, transfer order dated,09/1/2023 and departmental appeal dt.03/02/2023 and copy of 2nd transfer order dated 07/03/2023 and departmental appeal dated 13/03/2023 and acceptance of d/appeal /remarks and direction dated 27/4/2023 of proforma respondent No.4, are annexed as annexure "D", "E" and "F".

7. That additionally the appellant as a natural reaction, had already served with, a legal Notice to the Govt; of KP through Secretary Education KP, with copies to all respondents (1,2 & 4) regarding the illegal and mala fide orders and baseless leveling charges against the appellant for taking notice of, the corruption and malpractice and irregularities as noticed, of the respondent NO.2, who support respondent No.1, and endorse the same also whom were doing homework for compelling the appellant, either to comply with the illegal order issued by him or to sustain sever consequences for that. While as a matter of fact as the Govt; did not approve the action of the respondents NO.1 & 2, impugned as per communication in a shape of accepting of departmental appeal of the appellant. The appellant reserve right to take Initiatives both civil and criminal against respondent s NO.1 & 2 by name/ personal. Whom by taking illegal initiatives against the appellant illegally, just on mala fide intention for the personal gaining, against the public interest, by misuse of their statuses and official seats even, by using of physical force to restrain the appellant from official duty, unwarrantedly

caused mental and physical agony and torture and as well as also financial hardship and loss to the appellant. Copy of complaint to DPO Buner and OPD prescription chit dated 13/3/2023 are of annexed as annexure as "G" for ready reference.

8. That since the order impugned dated, NO.824 DATED 17/2/2023 and NO.1566 dated 01/04/2023, all are illegal and even after, the acceptance of the appeal of the appellant by the proforma respondent No.4 dated, 27/04/2023 being competent authority, has no legal value and status but the respondents No.1 to 3 still by misuse of power, wrongly stressing that in disobedience of the authority of proforma respondent No.4, the appellant having no alternative adequate remedy except to file the instant service appeal before this Hon; Service Tribunal on the following grounds amongst other inter alia, for setting aside all the aforementioned impugned and adverse orders, stop further passing of adverse and negative order against the appellant hence forth and to pay the appellant the arrears of salary of outstanding dues from 01/02/2023 onward without any illegal break for future.

GROUNDS

- a. That the order impugned No.824 dated, 17/2/2023 regarding stoppage of monthly salary of the appellant is illegal, not sustainable in the eye of law because the appellant has already been performing his duty at the station Govt; middle School Wuch Khwar Kawga being his existing station and therefore the appellant is entitle for the receiving of his monthly salaries regularly. The salary for the previous period w.e.from 01/02/2023 is due as arrear in favour of the appellant and for future he is entitle for regular monthly pay to be paying the appellant in time. The order impugned is wrong and illegal as base on mala fide.
- b. That the letter No.824 dated, 17/2/2023 impugned, has been issued on 17/2/2023 by the respondent No.1 but the salary of the appellant has been stopped w.e.from the 1st February 023, while through show cause letter No.1566 dated 01/4/2023 the appellant has been wrongly shown absent from 07/03/2023, which all are wrong and it self-contradictive to each other as the appellant has been continuously performing his duty at the existing station GMS Wuch Khwar Kawga and never he committed any absentia .copy of letter dated 17/2/023 , impugned is annexed as "H".
- c. That both the orders End; No.107-11 dated 09/01/2023 and subsequent order No.1130-34 dated, 07/03/2023 both 1st and corrigendum order impugned were premature, based on Mala fide intention, were during ban imposed by hon; Secretary Education K.P and also were against the transfer policy and regulatory Act KP 2011 , while 1st order dated 09/01/2023, was made to G.H.School Janak banda Tehsil Totalai and was the other was transfer to another far ilung station G.H.School Malka in the Tehsil Amazai as being harden hilly remote area on the top of the mountain. So the case being falls in a repeated transfer in short span of time were not desirable under the law and policy exist and therefore were not sustainable in the eyes of law. Which was right marked with direction to the respondent No. 1 to withdraw, while accepting departmental appeal of the appellant, filed against, by proforma respondent No.4, on dated, 27/4/2023. And therefore no orders impugned are in field now actually, so restraining of the appellant to perform his duty in GMS wachkhwar koga is constituting an offence under PPC and is unlawful and illegal in part of respondents No.1 & 2 and also of respondent No.3 by non-paying salary of the

appellant. but still the respondent No.1, by committing disobedience of his boss, resisting illegally those orders despite the same are not exist in field. Which is an illegal act on part of the respondent No.1, against whom Departmental proceeding under E & D rule 2011 ought and must be initiated.

- d. That the impugned transfer orders which wrongly was termed tactfully to be as on administrative grounds, but no legal proceeding (even a single explanation was called for of the appellant), required under E & D rule 2011, was initiated before passing of both the transfer orders impugned, while transfer is not included in either in the minor or major penalty list too of ibid rule. Hence both the transfer order including stoppage of salary of the appellant and physical force used for restraining the appellant from official /govt; duty, by respondent No.1 & 2 are clear offence under PPC. As no legal cover or justification is available in favour of both respondents, already applied for to the police responsible for registration of case against both the respondents N.1 & 2.
- e. That as a matter of fact though transfer is not punishment being not included either in the list of major or minor penalties, of Khyber Pakhtunkhwa Civil/ Govt; Servants E & D rules 1973 & 2011, however then the orders impugned is /are without serving any charge of allegation or any show cause notice on the appellant, without conducting of any enquiry or awarding any opportunity of personal hearing etc as pre requisite and provided under the ibid rule, while in case of normal transfer also the order is /are falling in violation of the Transfer policy, being Pre mature, against the spouse policy and even of, " The Khyber Pakhtunkhwa (APPOINTMENT, DEPUTATION, POSTING and TRANSFER. Of TEACHERS, LECTURERS, INSTRUCTORS and DOCTORS) Regulatory Act 2011 " (KP ACT NO.XII OF 2011.
- f. That the resistance impugned of the respondent No.1, 2 & No. 3 after acceptance of departmental appeal of the appellant is illegal and tantamount to disobedience of the legal command of the proforma respondent No.4, being provincial head of the education Department. Which is undesirable in part of respondent No.1 and he be punished for after initiating of proceedings against.
- g. That this Hon; Tribunal has Jurisdiction to entertain the instant service appeal of the appellant having power to set aside the orders impugned, being illegal and on acceptance of appeal against and to direct the authorities to release and pay the monthly salaries to the appellant. As per judgment delivered by the Hon; PHC Mingora Bench svrat.
- h. That further grounds will be advance at the time of arguments with due permission of this Hon; service Tribunal.

Therefore it is most humbly prayed that by allowing the instant service appeal, the relief sought by the appellant, in a prayer of this appeal, may be granted in favour of the appellant, by setting aside of the letter impugned No.824 dated 17/2/023, both the impugned orders dated 09/01/023 and 07/03/023, with the directions to the respondents No1, 2 & 3 to release and pay the monthly salaries of the appellant, just from 1/1/2023, onward without any break and not to disturb or restrain the appellant from performing

33

B

his duty as a routine in Govt; Middle School Wachkhar koga like past ie before the issuing of 1st order dated 09/01/023. Further relief to which the appellant is otherwise entitle though not specifically prayed for in the instant service appeal, may also graciously be granted to the appellant.

APPELLANT

THROUGH COUNSEL



RAHIM KHAN

Adv High Court

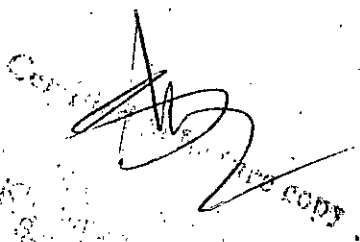
Cell = 03439049185

Office; at Distt; Courts Daggar Buner

Dated. 04/05/2023

CERTIFICATE

It is to certify that the entire contents of this Service Appeal are true and correct and that no such like service appeal or claim has been filed or made elsewhere in any forum or is pending before any court.



Office of the District
Judge
Daggar Buner



APPELLANT

Date of Presentation ---
 Number of Pages --- 6-p
 Copying Fee --- 30/-
 Urgent --- 5/-
 Total --- 35/-
 Name of Applicant ---
 Date of Completion --- 14/11/23
 Date of Decision --- 14/11/23

Alex - "G" (P-34)

In the HONOUR OF;

The Director
Elementary & Secondary Education
Khyber pakhtoonkhwa Peshawar .

Director
for elementary
23/10/22

Through : PROPER CHANNEL

DEPARTMENTAL APPEAL/REPRESENTATION, AGAINST THE ORDER END; NO.3659-64 DATED, 01/08/2023, IMPUGNED, ISSUED BY THE D. E. O (PA) BUNER, WHERE BY, THE APPELLANT, HAS BEEN REMOVED FROM SERVICE, UNLAWFULLY, WITHOUT ANY FAULT OR ILLEGAL ACT OF THE APPELLANT OR WITHOUT ANY LEGAL BASE FOR OR GROUND BUT IS TOTALLY WRONG AND AGAINST THE LAW, BASING ON MALA FIDE INTENTION AND ILLWELL & WITHOUT CONDUCTION OF ANY PROPER IMPARTIAL LAWFUL ENQUIRY, AS PER DUE REQUIREMENTS & PROVISIONS OF THE E & D RULES 1973 /2011 OF K.P, OR OTHER STANDING LEGAL PRINCIPLES, WITHOUT PROVIDING ANY OPPORTUNITY OF PERSONAL HEARING TO THE APPELLANT, BEING CONDEMNED UNHEARD, BY WAY OF TECHNICAL KNOCK, AVOIDING RATIONAL APPROACH, BEING TRAVELED AGAINST THE MANDATE OF LAW ALSO WITHOUT ANY SHOW CAUSE NOTICE. WHILE SERVICE APPEAL AGAINST THE SAME ILLEGAL ACTION IS PENDING BEFORE THE HON; K.P SERVICE TRIBUNAL BEARING NO. 1442 /2023, BEING U.S.

ADDETPE
process
FACTS

9/13
23/10/22

Respectfully Sheweth;

Q. No. 2
07/31/22

1. That the appellant has been serving in the E & S Education Department as PST, since 22nd September 2012 and has taken over charge as PET in the education on 21st march 2015.
2. That the appellant while was not lastly SO transferred from Govt. High School Katkafa Pirbahi Buner, had served there in Katkafa, for the last seven years (being considerable long period / duration (w.e. f 21/03/2015 to 03/07/2021) had GOT COMMENDATION CERTIFICATE OF THE HEADMASTER (being his immediate boss) FOR BEST PERFORMANCE FOR THAT SEVEN(07) YEARS, just before the arrival in Govt. MIDDLE SCHOOL WACH KHAR KAWGA, MADE vide order End; No. 2938-05 dated 05/07/2021. Copies of both transfer order and Commendation Certificate are annexed as annexure "A & A-1". For ready reference and perusal.
3. That actually the post of PET was vacant in the Govt; middle School Wachkhar Kawga Buner perhaps due to the reason that the Head Master GMS Wach khwar kawga would be of the view to be vacant the same and therefore he for no reason when the appellant arrived at the same station, he started to blame him it is because that he was busy in embezzlement and wants not to know the secrecy of him therefore he started sending complaints against the appellant without any intimation to the appellant and by taking the DEO Buner in his confidence by GIVING some part of his extra earning by illegal means. Copies of complaints of the students and also on Citizen portal are annexed for ready reference in support .
4. That with collusion of both, then the DEO Buner, by basing that mala fide complaints against the appellant, he issued the transfer order end; No.107-11 dated, 09/01/2023, the appellant make representation and convinced the DEO Buner, especially on humanitarian grounds that he has iron rods in his legs due to road traffic accident and could not travel to any far flung and remote hilly stations, who assured the appellant that he will withdraw the said transfer order, being devoid of merit. However albeit the appellant had filed departmental appeal against the said transfer order 03/02/2023 before your honour. Copy whereof annexed as annexure "B".
5. That then the DEO Buner despite withdrawing the aforesaid transfer order bearing Endo No. 107-11 dated 09/01/2023 (made from GMS Wachkhar kawga to Janak Banda Tehsil Totalai) with a Nominal Corrovidum on mala fide and collusion of the Head Master GMS Wachkhar

etc
etc
etc

✓
Batter Copy of P-34
Annex - "G"

In the HONOUR OF;

The Director
Elementary & Secondary Education
Khyber pokhtoonkhwa Peshawar .

Through ; PROPER CHANNEL

DEPARTMENTAL APPEAL/REPRESENTATION, AGAINST THE ORDER END; NO.3659-64 DATED, 01/08/2023, IMPUGNED, ISSUED BY THE D. E .O (M) BUNER, WEHERE BY, THE APPELLANT, HAS BEEN REMOVED FROM SERVICE, UNLAWFULLY, WITHOUT ANY FAULT OR ILLEGAL ACT OF THE APPELLANT OR WITH OUT ANY LEGAL BASE FOR OR GROUND BUT IS TOTALLY WRONG AND AGAINST THE LAW, BASING ON MALA FIDE INTENTION AND ILLWELL & WITH OUT CONDUCTION OF ANY PROPER IMPARTIAL LAWFUL ENQUIRY, AS PER DUE REQUIREMENTS & PROVISIONS OF THE E & D RULES 1973 /2011 OF K.P, OR OTHER STANDING LEGAL PRINCIPLES, WITH OUT PROVIDING ANY OPPORTUNITY OF PERSONAL HEARING TO THE APPELLANT, BEING CONDEMNED UNHEARD, BY WAY OF TECHONICAL KNOCK, AVOIDING RATIONAL APPROACH, BEING TRAVELED AGAINST THE MANDATE OF LAW ALSO WITHOUT ANY SHOW CAUSE NOTICE . WHILE SERVICE APPEAL AGAINST THE SAME ILLEGAL ACTION IS PENDING BEFORE THE HON; K.P SERVICE TRIBUNAL BEARING NO. 1448 /2023 , BEING LI§.

=====

Respectfully Sheweth;

FACTS

1. That the appellant has been serving in the E & S Education Department as PST, since 22ND September 2012 and has taken over charge as PET in the education on 21st march 2015.
2. That the appellant while was not lastly SO transferred from Govt; High School Katkala Pirbab Buner, had served there in Katkala, for the last Seven years (being considerable long period / duration (w.e. f 21/03/2015 to 08/07/2021) had GOT COMMENDATION CERTIFICATE OF THE HEADMASTER (being his immediate boss) FOR BEST PERFORMANCE, FOR THAT SEVEN(07) YEARS, just before the arrival in Govt; MIDDLE SCHOOL WACH KWAR KAWGA , MADE vide order End; No. 2938-45 dated 05/07/2021. Copies of both transfer order and Commendation Certificate are annexed as annexure "A & A-1". For ready reference and perusal.
3. That actually the post of PET was vacant in the Govt; middle School Wachkhar Kawga Buner perhaps due to the reason that the Head Master GMS Wach khwar kawga would be of the view to be vacant the same and therefore he for no reason when the appellant arrived at the same station, he started to blame him it is because that he was busy in embezzlement and wants not to know the secrecy of him therefore he started

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P-35

sending complaints against the appellant without any intimation to the appellant and by taking the DEO Buner in his confidence by GIVING some part of his extra earning by illegal means. Copies of complaints of the students and also on Citizen portal are annexed for ready reference in support .

4. That with collusion of both, then the DEO Buner, by basing that mala fide complaints against the appellant , he issued the transfer order end; No.107-11 dated, 09/01/2023, the appellant make representation and convinced the DEO Buner, especially on humanitarian grounds that he has iron rods in his legs due to road traffic accident and could not travel to any far flung and remote hilly stations , who assured the appellant that he will withdraw the said transfer order, being devoid of merit However albeit the appellant had filed departmental appeal against the said transfer order 03/02/2023 before your honour. Copy whereof annexed as annexure "B".
5. That then the DEO Buner despite withdrawing the aforesaid transfer order bearing Endo No. 107-11 dated 09/01/2023 (made from GMS Wachkhar kawga to Janak Banda Tehsil Totalai) with a Nominal Corrigendum on mala fide and collusion of the Head Master GMS Wachkhar Kawga , transferred the appellant to Govt; High School Malaka Tehsil Amazai vide order End; No. 1130-34 dated 07/03/2023 against which an other departmental appeal appeal to your good office was preferred to file on dated 13/03/2023. Copies whereof and of the socalled corrigendum/retransfer or repeated transfer order are annexed for ready reference and as annexure "c' & "C-1".
6. That both the afore mentioned transfer orders, of dated 09/01/2023 & 07/03/2023 were/are PREMATURE, because the appellant was transferred , vide order End; No. 2938-45 dated 05/07/2021 and charge was taken over in GMS wachkhar kawga on 08/7/2021., and was made with in a short spaces of 18 months , while the other was after 58 days and was repeated transfer, being totally on mala fide intention and ill well, hence was not sustainable in the eyes of law and even was DURING BANE (imposed by the Govt; of K.P Education Department Hon; Secretary Education Deptt; vide notification No. SO(SM)E & SED 5—17-20/2022/PT/G PESHAWAR dated 27th December 2022) without any approval of the Govt; or the competent authority WERE CLEAR ON MALA FIDE INTENTION & ILL WELL so was/were not sustainable in the eyes of law and therefore was not binding on the appellant . copy of ban Notification dated 27/12/2022 is annexed as annexure "D" while other above have annexed.

P-36

7. That the wife of the appellant has been serving as teacher in the Education Deptt; and also spouse policy was involved to be followed while the transfer of the appellant was in violation of spouse policy. Copy of her posting is annexed as annexure "E".
8. THAT MONTHLY SALARIES OF THE APPELLANT HAS ALSO BEEN STOPPED BY THE DEO MALE BUNER VIDE LETTER NO.824 DATED 17/2/2023 IN VIOLATION OF FUNDAMENTAL RIGHTS OF THE APPELLANT AND HIS DEPENDENTS FROM 1ST FEBRUARY 2023. COPY ANNEXED AS ANNEXURE "F".
9. That by using physical force the Head Master Mr, Mohammad Sadiq GMS Wachkhwar kawga has on the verbal directions of the DEO Male Buner beaten with a stick and restrained from official duty with giving a life threat in the Class room of 8th class while teaching them on dated 13-04-2023 legal initiatives against both the DEO male Buner and Head Master concerned has been taken and is under progress. Copy of complaint is also annexed as "G".
10. That though the order impugned dated having dual punishment of ceasing monthly salaries of the appellant from 09/01/2023 till the date of the order impugned 01/08/2023, with also removal of the services of the appellant, however the transfer orders both of dated 09/01/023 and 07/03/2023 were also made on administrative grounds as punishment . but all these orders punishing the appellant through the same were with out any enquiry or investigation and without any personal hearing or any other legal formalities to have been fulfilled hence are not sustainable under the law.
11. That keeping in view the above DOZEN OF MERIT OF THE CASE OF THE APPELLANT, your good office had considered the departmental appeal of the appellant and had ACCEPTED THE SAME ON 27/04/2023 and was directed by your good office to THE DEO MALE BUNER TO WITHDRAW THE TRANSFER ORDER END; NO.1130-34 DATED 07/3/2023. WHICH THE D.E.O MALE BUNER HAS NEVER COMPLIED WITH AND THE SAME BOLED AND CLEAR VIOLATION OF YOUR GOOD OFFICE DIRECTION OF EVEN DATED 27/4/2023, THE DEO MALE BUNER WAS SEVERAL TIME & AGAINE WHICH HAS NOTICED TO YOUR GOOD OFFICE AND TO THE THE GOVT; OF K.P EVEN THROUGH AN EXTRA ORDINARY PETITION OF DATED, 03/06/2023 BUT SORRY TO SAY THAT NO NOTICE OF THE SAME NONCOMPLIANCE AGAINST THE DEO MALE BUNER

ETC
P.P.
S.S.
K.C.

P-37

HAS SO FAR BEEN TAKEN . COPY ANNEXED FOR READY REFERENCE AS ANNEXURE "H".

12. THAT DESPITE THE ABOVE AS NO ANY LEGAL ORDER TO BE COMPLIED WITH BY THE APPELLANT WAS IN FIELD, THE DEO MALE BUNER HAS BY PASSING THE ORDER IMPUGNED , UNDER THE INSTANT APPEAL PASSED VIDE END; NO.3659-64 DATED 01/08/2023 BY VIRUE OF WHICH THE APPELLANT HAS DOUBLE JEOPERDIZED WITH A DUAL PUNISHMENT OF DISALLOWING SALARIES FOR THE PERIOD W.E FROM 9/1/2023 TILL DATE (01/08/2023) AND SERVICES OF THE APPELLANT HAS ALSO BEEN REMOVED . Copy where of annexed as annexure "I" which is not existence in the eyes of law and liable to be set aside .

13. That SERVICE APPEAL No. 1448/2023, AGAINST THE ENTIRE ILLEGALITES of the DEO Male Buner and the HEAD Master Concerned has been filed where in next dated is fixed as 02/09/2023. Copy annexed as annexure "J". hence the appellant having no alternative against the order impugned under appeal except to file the instant service appeal on the following grounds amongst other inter alia.

GROUNDS

ETC
- P.S.
H.C. 3/2/2023

- a. That the Transfer order both of dated 09/01/2023 and subsequent order dated 07/03/2023 both were pre mature and was against the transfer policy and was during bane imposed by the Govt; and with out any prier approval of the Govt; or competent authority. So having no legal weight or value in the eyes of law.
- b. That the order impugned issued by the authority DEO Male Buner is in excess of Jurisdiction vested in him because the orders concerned have already been considered by the competent appellate authority /your good office and also was before the Honourable K.P Service Tribunal vide Service appeal No. 1448/2023 being beyond competence of him and being lis .
- c. That the DEO male buner has by passing his orders impugned was totally based on mala fide intention and has been punished thrice the appellant for no fault of the appellant.
- d. That no legal formalities under the E&D Rule 1973/2011 KP has been fulfilled and also no impartial enquiry has been conducted against the appellant.
- e. That the authority DEO Male Buner was also made the transfer order against the KP regulatory Act 2011 while

P-38

transferring pre mature the appellant even with out any counter part and substitute .

- f. That the entire proceeding and orders, including the order impugned , of dated 01/8/2023 of the DEO Male Buner is IN GROSS VIOLATION OF PUBLIC INTEREST AS THE STUDENTS OF THE GOVT; MIDDLE SCHOOL WACHKHWAR KAWGA WERE PEFT WITHOUT PET WITH EFEECT FROM 09/1/2023 SO FAR AND LIABLE TO HUGE DAMAGES FOR THE PUBLIC AT ALRGE TOO, INCLUDING OTHER INITITIVES AGAINST THE DEO MALE BUNER ANT THE HEAD MASTER CONCERNED.
- g. THAT ALSO THE ORDER PASSED IS IN DISOBEDIENCE OF THE ORDER PASSED BY YOUR GOOD OFFICE ON 27/4/2023. OTHER GROUNDES WOULD BE ADVANCED AT THE TIME OF PERSONAL HEARING IR OFFERED.

etc
- H. C. B. S. / 102

THEREFORE IT IS HUMMBLY PRAYED THAT ON ACCEPTANCE OF THIS APPELA THE ORDER IMPUGNED OF DATED 01/08/2023 AND OTHER AS IMPUGNED TIME TO TIME INCLUDING STOPPAGE OF SALARY 17/02/2023 ALL MAY BE SET ASIDE AND DEPARTMENTAL NECESSARY PROCEEDING AGAINST THE DEO MALE BUNER AND THE HEAD MASTER CONCERNED MAY BE TAKEN FOR ALL OF THEIR ILLEGAL INITITIVES AND OTHER RELIEG TO WHICH THE APPELLANT IS OTHERWISE ENTITILE THOUGH NOT SPECIFICALLY PRAYED FOR MAY BE GRANTTED TO THE


APPELLANT.

YOURS OBEDIENTLY

ZIAUR RAHMAN
PET WACHKHWAR KAWGA DISTT; BUNER
DATED. 02/08/2023.

COPY IN ADVANCE TO
THE Hon; DIRECTOR
E & S EDUCATION K.P PESHAWAR.



Annex - G-1" (P-39)

DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR 969

No. 1109 /K-25/PE/Adm/Pakistan
Dated Peshawar this 19/11/2023

dt 19/11/2023

To

The District Education Officer
(Male) Buner.

Subject: - DEPARTMENTAL APPEAL

I am directed to refer to the subject noted above and to enclose here a copy self-explanatory application along with other relevant documents in respect of Mr. Zia ur Rahman PET GMS Wachkhar Kawga Buner and to ask you to submit views and comments in light of attached application of the PET (C) for further necessary action.

Enclosure: As above.

DEPUTY DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst No. _____/

Copy forwarded to: -

1. PA to Director E&SE local Directorate.

DEPUTY DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

o/c

بعدالت کسٹومرز سروسز

مورخہ 11 نومبر 2023ء منجانب حیات الرحمن ایسٹ
مقدمہ حیات الرحمن بنام DEO راجہ دیو چند
دعویٰ کسٹومرز سروسز ایسٹ
جرم

1974

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دیکل
کارروائی متعلقہ آن مقام حیات الرحمن کے لئے راجہ دیو چند ایسٹ
مقرر کرنے کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دیے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک نہ روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمد اور
منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور
اس کا ساختہ پداختہ منظور و قبول ہوگا۔ دوران مقدمہ میں میں جو خرچہ دہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا
بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہے تو وکیل صاحب پابند نہ ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

المرقوم 11 ماہ نومبر 2023ء

العبد گواہ شد العبد

بمقام خدیو کسٹومرز سروسز ایسٹ
بمقام خدیو کسٹومرز سروسز ایسٹ کے لئے منظور ہے۔

Attested & Accepted

راجہ دیو چند ایسٹ
راجہ دیو چند ایسٹ

حیات الرحمن ایسٹ